

REMARKS

Applicants cancel claims 13 and 14. Claims 1-12 are pending in this application.

The Examiner rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,081,780 to Lumelsky (Lumelsky) in view of European Patent Application EP 1,271,469 to Marasek et al. (Marasek) in view of U.S. Patent No. 5,796,916 to Meredith in view of International Application Publication No. WO 02/097590 to Cameron.

The Examiner admits that Lumelsky does not disclose implementing the system of claim 9 in a handheld device. To supply that which is missing, the Examiner combines Lumelsky with Cameron. But that combination is improper because a person of skill in the art would not consider putting the functionality of Lumelsky into a cell phone. The Examiner also admits that Lumelsky does not disclose speech recognition, and he turns to Marasek to supply speech recognition for Lumelsky's system. But again, this combination makes no sense because Lumelsky has no need for and derives no benefit from speech recognition. We explain these points in more detail below.

Lumelsky discloses a system for authoring speech content that is stored and then made available for play back upon request by subscribers. His "singlecast interactive radio system ... delivers digitized audio-based content to subscribers upon their request." (7:3-5) His personal radio station server "stores multiple subscribers' profiles with topics of individual interest, assembles content material from various Web sites according to the topics, and transmits the content to a subscriber's user terminal ... on the user's request..." (7:16-19) In other words, Lumelsky's authoring system provides voice content to subscribers whenever they request it, rather like an on-demand radio station. It would make no sense for a person skilled in the art to implement an on demand system such as that of Lumelsky on the handheld device of Cameron because handheld systems do not reliably provide voice content, or any other data for that matter, to subscribers upon demand. Handheld devices are designed for mobility, not for continuous availability. They can lose connectivity, for example, when they are carried to regions without network service, or because they run out of battery power.

A key aspect of Lumelsky's system is a network-based data repository (Fig. 1, 401), which stores the voice content generated by the authoring system: "The content authoring tools enable content creators (e.g., news service providers) to produce a highly compressed voice-based information content, to be further stored on a data network (e.g., Internet)..." (7:11-14) [emphasis added] A subscriber of Lumelsky's system "retrieves text material from the Internet or other data repositories [and] plays the material back as computer-generated speech..." (7:41-43) A person of skill in the art would not be motivated to implement a system involving a networked-based data repository, such as that of Lumelsky, on a handheld device such as that of Cameron because Cameron's handheld platform does not provide the networked data repository that is essential to Lumelsky's ability to provide voice content to subscribers over a network. As discussed above, a handheld device cannot be relied upon for network access, and any storage provided on a handheld device would fall far short of that required for a networked based data repository.

Furthermore, Lumelsky discloses an authoring system that generates large quantities of speech content, such as "information or news, that the end user has subscribed to and/or desires." (8:58-60) The system "delivers large amounts of information to radio listeners wirelessly..." (21:20-21) [emphasis added] Thus a person in possession of Lumelsky's system, which involves storing large quantities of data, would not turn to a reference about a handheld-based device, such as that of Cameron, because handheld devices do not have even a fraction of the hardware resources to store large quantities of voice data. In addition, it would make no economic sense to provide a data repository on a handheld device because storage on such devices is more costly than that in a server because handheld devices are compact and need to conserve power.

The examiner argues that "the motivation to have combined the references involves the compression of data from spoken information for direct retrieval as well as other tasks are able to be performed." But that is not a plausible motivation. As discussed above, Lumelsky's system is designed to provide radio programs on demand at remote locations. It therefore needs access to a large data repository, as well as dependable network connectivity. As noted above, neither of these requirements are met by placing the compressed speech storage on the portable

device since portable devices have limited, costly storage capability, and their network connectivity is unreliable.

The Examiner admits that even if one were to put the functionality of Lumelsky into the portable device of Cameron, one would still be missing speech recognition for the spoken input, which is required by the claim. To supply what is missing, the Examiner turns to Marasek. But this combination makes no sense because Lumelsky's system receives text (Fig. 1:13) corresponding to the received speech from the narrator's voice. Thus, since he already has a stream of text that corresponds to the received speech, Lumelsky has no need for speech recognition.

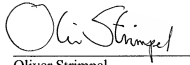
The examiner argues that a person of ordinary skill in the art would be motivated to combine Marasek with the other cited references because it "allows the extraction of contextual features as well as speaker identification." We disagree. Lumelsky has no need for speaker identification because the identity of his narrators are known: "It is to be understood that the narrator may be a person employed by an information/news service provider who is reading a textual representation of the particular data, e.g., information or news..." (8:56-59) In addition, the extraction of contextual features discussed by Marasek serves only to assist in speech recognition: "...a process of speaker identification and/or adaptation can be performed in particular so as to increase the matching rate of the feature extraction and/or of the recognition rate of the process of speech recognition." (§ [0015]) As noted above, Lumelsky's system has no need for speech recognition because a text version of the speech that is read by the narrators is supplied. To sum up, neither speaker identification nor extraction of contextual features serve any purpose in Lumelsky's system, and thus a person of skill in the art would have no reason to combine Lumelsky and Cameron with Marasek.

In view of the above Applicants believe that claim 9 and claim 1, which contains limitations that are comparable to those of claim 9, are allowable.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0219, under Order No. 0112855.00122US2 from which the undersigned is authorized to draw.

Respectfully submitted,

Dated: October 18, 2007

A handwritten signature in black ink, appearing to read "Oliver Strimpel", written over a horizontal line.

Oliver Strimpel
Registration No.: 56,451
Attorney for Applicant(s)

Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, Massachusetts 02109
(617) 526-6000 (telephone)
(617) 526-5000 (facsimile)